

SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD
February 14-18, 2005

Date Issued	Type of Case(1)	Proceeding or Appn. No.	Party or Parties	TTAB Panel(2)	Issue	TTAB Decision	Opposer's or Petitioner's Mark and Goods or Services	Applicant's or Respondent's Mark and Goods or Services	Mark and Goods Cited by Examining Attorney	Examining Attorney	Citable as Precedent of TTAB
2-14	EX	76432582	CE Distribution, LLC	Hohein Holtzman* Drost	2(d)	Refusal Reversed		"MOD" [audio speakers]	"ULTRAMOD" [audio processors for broadcasting and automatic gain controls, fidelity controls, bass, treble and loudness controls, clippers and density modulators]	Stoides	No
2-14	CANC (R)	92041178	Makiki Electronics v. Douglas Mervyn Gray and David William Holloway	Chapman Bottorff Rogers*	2(d) [priority]	Request for Reconsideration Denied (Petition to Cancel Denied)	"TERM-OUT" [insecticide]	"TERMOUT" [biocidal preparations for control and extermination of insects, pests, and larvae, pesticides, insecticides and termiticides, all for agricultural, domestic, and horticultural use; insect repellents; and pest repellents]			No
2-17	OPP	91154069	Petra Pet, Inc. v. Aspen Pet Products, Inc.	Seeherman Bucher Drost*	whether opposer proved its standing to assert 2(e)(1) as a ground for opposition	Opposition Dismissed		"DOUBLE CHEW" [rawhide chews for pets]			No
2-17	EX	78238042	Cynthia Badinger	Seeherman Quinn Drost*	2(e)(1)	Refusal Affirmed		"CAJUN MARTINI" [prepared alcoholic cocktail]		Ririe	No

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(2) *=Opinion Writer; (D)=Dissenting Panel Member

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2-17	EX	76032587	Jamil, et al.	Seeherman Quinn Hohein*	2(d)	Refusal Reversed as to all five cited registrations		"MCHEALTH CLINIC" (and design) [healthcare services, namely, preventative, alternative, and conventional healthcare]	<i>5 cited registrations, all owned by the same entity and all for marks comprising or incorporating the words "RONALD MCDONALD HOUSE" [all five marks registered for one or more of the following goods or services: newsletter dealing with a housing program for families with hospitalized children; providing temporary lodging and emotional support for families with hospitalized children; providing hospitality rooms within hospitals for families with hospitalized children]</i>	Alfieri	No
2-17	CANC CANC	92041175 92041688	Gibson Guitar Corp. v. J. D'Addario & Co., Inc.	Quinn Chapman Drost*	2(d) [priority]	Petition to Cancel Denied in both cases	"EXP" [stringed musical instruments]	"EXP" and "EXP COATED" [both marks for strings for musical instruments]			No

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2-17	EX	75694928	Red Bull GmbH	Hanak Chapman* Drost	2(d)	Refusal Reversed as to all four cited registrations		“ENERGY WEAR” [footwear; clothing, namely, shirts, pants, t-shirts, sweat shirts and sweatpants, shorts, blouses, skirts, jumpers, socks, hats, caps; riding apparel, namely, riding jackets and pants; outerwear, namely, jackets and coats; activewear, namely, shorts, shirts, hats, caps and visors; bandannas, neckerchiefs, coats, jackets, sweaters, sleepwear; resort wear, namely, shorts, shirts, t-shirts and pants; belts and suspenders]	3 cited registrations, two owned by the same entity: “ENERGIE” (in stylized lettering) [men’s and women’s clothing, namely, t-shirts, polo shirts, sweatshirts, sweatpants, and shorts]; “ENER-G” (and design) [men’s sportswear, namely, shirts and pants] and [clothing, namely, tops and bottoms]	Hickey	No
2-18	EX	76411172	Gibson Piano Ventures, Inc.	Hanak* Walters Bucher	2(e)(4)	Refusal Affirmed		“HELLER & CO.” [pianos]		Le	No
2-18	EX	76338228	Work Zone, Inc.	Hanak* Holtzman Rogers	2(d)	Refusal Affirmed		“WORK ZONE” (enclosed within a diamond shape) [protective boots and shoes for industrial use]	“WORK ZONE” [retail store and mail order catalog services in the field of footwear and apparel]	Kon	

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